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# Written statement* submitted by the Defence for Children International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmentalrganization(s).

## Israel's armed forces and grave violations of children's rights in Gaza

While children affected by armed conflict are entitled to special respect and protections under international law, Israeli armed forces have regularly been implicated in serious, systematic and institutionalized human rights violations against Palestinian children living in the Occupied Palestinian Territory.[1]

More than half of Gaza's 1.8 million residents are children under the age of 18. These children continue to pay the highest price for Israel's repeated military offensives on Gaza. There is ample evidence to demonstrate that Israel's armed forces have committed acts that amount to violations of international humanitarian law and grave violations against children during armed conflict as defined by UN Security Council resolutions, including killing or maiming children and attacks against schools and hospitals.

On July 8, 2014, Israeli forces began an intensive aerial and naval bombing campaign on the Gaza Strip with a ground incursion commencing on July 17, 2014. Israel's military offensive, known as "Operation Protective Edge", was characterized by attacks directed at government and civilian infrastructure, residential neighbourhoods, and individual civilians. The incursion lasted 50 days and caused grave devastation to the Gaza Strip.

During Operation Protective Edge, Israeli armed forces carried out direct attacks on civilian homes and other civilian buildings, including schools, causing a large number of civilian casualties, including children.[2] Israeli forces killed over 500 Palestinian children and another 3,374 children were injured in attacks throughout Gaza.[3]

In a number of incidents documented by Defence for Children International-Palestine (DCI-Palestine), children were killed by drone-fired missiles in circumstances that suggest direct targeting by Israeli forces. Around 4:30 p.m. on 10 July, an Israeli aerial drone reportedly fired a missile at a five-year-old boy while he stood alone on the open rooftop of his family's home in Deir Al Balah, Central Gaza. At the time of the explosion the boy's father had seen an aerial drone in the sky, and limited damage to the roof suggested a drone-fired missile killed the boy. On 23 July, around 9:00 a.m., after an artillery shell struck nearby, a drone-fired missile killed one nine-year-old boy as he and his mother returned to their home in Um Nasr, North Gaza, to collect some belongings. They had been sheltering in an UNRWA school located in Beit Lahiya. As they left their village and headed back to the school, an Israeli drone-fired missile struck the boy, dismembering and killing him. Around 7:30 a.m. on 29 July, an Israeli aerial drone-fired missile struck the kitchen balcony of a residential apartment in Deir Al Balah, Central Gaza, where a four-year-old boy was playing. The missile directly hit the boy, dismembering parts of his body and killing him on impact. At the time of the attacks, there were no reports of military activity near the homes.

Additionally, children sheltering at schools were killed when artillery shells landed on and near school premises, according to documentation by DCI-Palestine. On 24 July, around 3:00 p.m., artillery shells struck an UNRWA-run school in Beit Hanoun, North Gaza, killing six children, including three from one family. At the time of the attack, individuals sheltering at the school were reportedly queuing in the courtyard of the school waiting for buses to relocate them due to safety concerns. The location of the school was reportedly provided to Israeli forces by UN staff on 12 separate occasions, and no military activity was reported in the immediate vicinity of the school at the time of the

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[1] *See* Committee on the Rights of the Child, Concluding observations on the second to fourth periodic reports of Israel, U.N. Doc. CRC/C/ISR/CO/2-4 (Jul. 4, 2013), http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ISR-CO-2-4.pdf; Human Rights Committee, Concluding observations on the fourth periodic report of Israel, U.N. Doc. CCPR/C/ISR/CO/4 (Nov. 21, 2014), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf; and Report of the United Nations Fact Finding Mission on the Gaza Conflict, U.N. Doc. A/HRC/12/48 (Sep. 25, 2009), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/158/66/PDF/G0915866.pdf.

[2] UNICEF, *CAAC Bulletin on escalation of the conflict in East Jerusalem, Gaza and southern Israel July & August 2014* (Oct. 3, 2014), http://www.unicef.org/oPt/Jul-Aug_2014_-_CAAC_Bulletin_03-OCT_-_Final.pdf.

[3] UN OCHA, Situation Report, (Sept., 4, 2012), http://www.ochaopt.org/documents/ocha_opt_sitrep_04_09_2014.pdf.

attack. On 30 July, around 5:00 a.m., several artillery shells struck the UNRWA-run Jabalia Elementary Girls School A & B killing three boys, aged between 15 and 17 years, which were sheltering there with other IDPs. The location of the school was provided to Israeli forces by UN staff on 17 separate occasions, and no military activity was reported in the vicinity of the school at the time of the attack. Furthermore, 22 schools were completely destroyed and 118 damaged by the violence.[4]

The prohibition of targeting and killing and maiming civilians, including children, as well as the right to life are fundamental principles enshrined in international humanitarian law and international human rights law. However, protections as well as justice and accountability remain elusive for children living in the Occupied Palestinian Territory. Instead of growing up with a law-based, negotiated settlement founded on universal human rights principles, justice and respect for human dignity; Palestinian youth have had their futures stifled and suppressed by systemic discrimination and prolonged military occupation.

While Israeli authorities have selectively opened their own investigations into several incidents occurring during the military offensive, previous experience has shown that Israeli authorities are incapable of conducting serious, independent and impartial investigations into grave human rights violations against Palestinian children.[5]

The Commission of Inquiry on the Gaza Conflict was established by the Human Rights Council to investigate all violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory. The Commission was charged with establishing "facts and circumstances of such violations and of the crimes perpetrated and to identify those responsible, to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring that those responsible are held accountable."[6]

To the extent that the Commission finds evidence of violations of international humanitarian law and international human rights law, serious and effective follow-up mechanisms must be endorsed by all members of the Human Rights Council in an effort to challenge and end impunity for violations.

In order to end impunity for perpetrators and advance the goal of protecting children during armed conflict, Defence for Children International urges all members of the Human Rights Council to:

- Support resolutions that affirm any findings by the Commission of Inquiry on the 2014 Gaza Conflict involving violations of international humanitarian and international human rights law;

- Support recommendations regarding follow-up accountability measures made by the Commission of Inquiry on the 2014 Gaza Conflict concerning findings involving violations of international humanitarian law or international human rights law, including any requests to the Security Council for referral of specific cases to the International Criminal Court; and

- Call on the Secretary-General to include Israel's armed forces in the annex of his 14th Annual Report on Children and Armed Conflict for committing grave violations against children during armed conflict, specifically killing and maiming and attacks against schools.

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[4] *Id.*

[5] ADALAH, *Report submitted to the U.N. Independent Commission of Inquiry on the 2014 Gaza Conflict* (Jan. 31, 2015, http://www.adalah.org//uploads/1_Adalah-Submission-UN-COI-Gaza-2015.pdf.

[6] H.R.C. Res. S-21/1, ¶ 13, U.N. Doc. A/HRC/RES/S-21/1 (Jul. 24, 2014), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/092/50/PDF/G1409250.pdf.